To the FCC Commissioners:

The following are comments to ET Docket 04-37.

Broadband Internet Access is a welcome thing. Especially to me, as my home is in a completely unserved, rural area. If the President of the United States feels compelled to promote Broadband to Rural America, he needs to compel the Utility Providers to actually provide the service.

Based on the President's speech of April 26, 2004 before the American Association of Community Colleges - he suggested that BPL could offer a means of supplying Rural America with broadband Internet services. The Utilities and Providers themselves need to take notice of his words.

However, this does not appear to be the case. As evidence, statements made during an Amateur Radio Club meeting in Penn Yan, NY - one such BPL Provider made a statement; "We never stated that we would be supplying BPL to the farmers spread miles apart - we're deploying the service in small cities and towns". This is NOT encouraging, nor is it the intention that is being told to the public regarding the rollout of this service. If this is indeed the sentiment of the Utility Community and BPL Providers - then what is being told Rural America is nothing more than another unfulfilled dream. Worse, if the concentration is already on areas that are served - the emphasis will be NOT on further expansion - rather maximizing revenue.

The Utility Company in my community is responsible for providing and maintaining my AC Power needs. Within the past month alone - there have been 2 unexpected outages (one was a 2-hour duration, another 1 hour), which have been entirely unexplained by the utility. Not to mention the 'Great Northeast Blackout' of this past summer. With this level of reliability in my AC Power system, how can I expect reasonable performance from BPL? Many providers offer service levels of 98-99.999% availability. Can BPL providers reliably provide the same numbers? Unreliable AC Power systems do not make for good Network Services.

I am also an avid Amateur Radio Operator (FCC Licensed: K2AXX) and am deeply concerned about the interference potential brought by BPL implementation. Part of my service to the community is in offering Emergency Communications to the public. My station is 'state of the art' and often uses extremely weak signals to communicate. With the proven potential for BPL to generate unacceptable levels of interference in the HF Spectrum, these extremely weak signals may be masked by this broadband interference. This can put property or lives at risk during emergencies.

BPL Implementations cannot occur without some guidelines as to performance, interference mitigation, and customer notification of these issues. Allowing Utility Providers unfettered access would be patently unfair to Cable and Telco systems providers, who must each comply with specific FCC regulations regarding their transmission systems. That requires the following to be implemented AND ENFORCED by the FCC:

1) Interference Mitigation:
Interference complaints to the provider MUST be addressed within a VERY short period of time (MINUTES, not hours or days). Failure to comply or make sufficient repairs will bear penalties.

2) Public Access to the Access BPL Provider Database:
For the general public to address interference, it must be known WHO in your area is providing the service. This information MUST be made public knowledge. Any false or misleading information in this database shall be subject to significant penalty.

3) BPL Providers MUST inform the served communities that it operates using Part 15 rules. That the service is subject to interference from licensed users, which may be harmful to System Performance. In addition, that it cannot generate any harmful interference to licensed services. The systems can be shut down at any time to mitigate interference complaints, without prior notification.

In summary, Access BPL is becoming a reality - but not to those that it is being promised to. This is most disappointing, and I think a far cry from the stated intentions of the Commission.

Respectfully Submitted,

Mark Hoffman, K2AXX